

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO.: 3:19-CV-405

UNITED STATES OF AMERICA and THE
STATE OF NORTH CAROLINA, *ex. rel.*
Heather Coleman,

Plaintiffs,

v.

FAMILY FIRST HOME HEALTH CARE,
INC. and MARION JAMES,

Defendants.

DECLARATION OF J. SETH JOHNSON

1. I am an attorney for Plaintiff, United States of America in the above action, and have personal knowledge of the facts hereinafter stated; or, from information officially furnished to me, believe the same to be true and correct.

2. This is a claim by the United States and State of North Carolina for damages and penalties against Defendants Family First Home Health Care, Inc. (“Family First”) and Marion Temeta James (“James”) (together, “Defendants”) pursuant to the False Claims Act, 31 U.S.C. § 3729, *et seq.* and the North Carolina False Claims Act, N.C. Gen. Stat. § 1-605, *et seq.*, as more particularly alleged in the Governments’ Complaint (Doc. 41), filed on November 14, 2022.

3. On November 14, 2022, the Governments notified Defendants’ counsel the action had commenced, provided Defendants’ counsel a copy of the complaint, and requested waiver of service. Defendants’ counsel returned a signed waiver of service for each Defendant to the Governments on November 29, 2022, which were filed by the United States as Document Number 43 in this action.

4. To the best of my knowledge, information, and belief, Defendant Marion James is not an infant or incompetent person, and is not in the active military or naval service of the United States within the purview of the Servicemembers Civil Relief Act of 2003. Additionally, this office verified through the Defense Manpower Data Center that Defendant James is not in active military status. To the best of my knowledge, information, and belief, Defendant Family First is a corporation (and thus, not an infant, incompetent person, or in active military service).

5. Defendants have not answered or otherwise responded to the Complaint and more than 60 days have elapsed since the date on which the Governments requested waiver of service and, therefore, the Defendants are now in default.

6. This Declaration is executed in accordance with Rule 55(a) of the Federal Rules of Civil Procedure for the purpose of requesting an entry of default from the Clerk of Court against the Defendants.

I declare under penalty of perjury that the foregoing is true and correct.

DENA J. KING
UNITED STATES ATTORNEY

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